

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TOM BRIGGS, Personal Representative for  
the Estate of THOMAS E. BRIGGS, Deceased,

Plaintiff,

CASE NO. 04-73458  
HON. LAWRENCE P. ZATKOFF

v.

OAKLAND COUNTY, OAKLAND COUNTY  
SHERIFF'S DEPARTMENT, SUPERVISOR  
DEVITA, SGT. CLARK, DEPUTY SZYDLOWSKI,  
DEPUTY HUBBLE, DEPUTY RHYNDRESS,  
DEPUTY JONES, DEPUTY VASQUEZ, SANDY  
STETZ, RN; DEBBIE TIPTON, RN; and CONNIE  
ZAMORA, RN, Jointly and Severally,

Defendants.

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**ORDER DENYING MOTION FOR RECONSIDERATION AND  
GRANTING MOTION TO AMEND**

**I. INTRODUCTION**

This matter is before the Court on Plaintiff's Motion for Reconsideration and Motion to Amend Response. Defendants have responded to the Motion to Amend and no response is permitted to a Motion for Reconsideration. The Court finds that the facts and legal arguments are adequately presented in the parties' papers and the decision process would not be significantly aided by oral argument. Therefore, pursuant to E.D. MICH. LR 7.1(e)(2) and 7.1(g), it is hereby ORDERED that the motion be resolved on the briefs submitted. For the reasons set forth below, Plaintiff's Motion to Amend is GRANTED and Plaintiff's Motion for Reconsideration is DENIED.

## **II. DISCUSSION**

### **A. Plaintiff's Motion to Amend is Granted.**

By its Motion to Amend, Plaintiff asks the Court to permit it to supplement the record with the subsequently obtained depositions of Defendant Nurse Sandra Stetz and experts Valerie Tennesen and Ken Katsaris. In the interests of justice, the Court will accept these depositions as a supplement to Plaintiff's Response to Defendants' Motion for Summary Judgment. Accordingly, Plaintiff's Motion to Amend is GRANTED.

### **B. Plaintiff's Motion for Reconsideration is Denied.**

By its Motion for Reconsideration, Plaintiff argues that this Court improperly granted Defendants' for Summary Judgment. A motion for reconsideration is governed by E.D. MICH. LR 7.1(g)(3), which states, "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication."

By granting Plaintiff's Motion to Amend, the Court has been presented with new deposition testimony. Nevertheless, Plaintiff's Motion fails to explain how this supplemental testimony creates a material question of fact. After reviewing the testimony, the Court finds that this new deposition testimony does not create a material question of fact and that Plaintiff's Motion for Reconsideration merely presents the same issues that were already addressed by the Court in its December 7, 2005 Opinion. Therefore, Plaintiff's Motion for Reconsideration is DENIED.

### III. CONCLUSION

For the above reasons, Plaintiff's Motion to Amend is HEREBY GRANTED. Plaintiff's Motion for Reconsideration is HEREBY DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: January 20, 2006

### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on January 20, 2006.

s/Marie E. Verlinde  
Case Manager  
(810) 984-3290